



SENATE REPUBLICAN

POLICY COMMITTEE

Legislative Notice

No. 14

May 10, 2007

S. 1248 – Water Resources Development Act (WRDA)

Calendar No. 126

Reported April 30, 2007 by the Committee on Environment and Public Works, by voice vote; S. Rept. 110-58.

Noteworthy

- On Thursday, May 3, 2007, the Majority Leader filed cloture on the motion to proceed to H.R. 1495, the House-passed Water Resources Development bill. The bill passed the House on April 19, 2007, by a vote of 394-25. On Thursday, May 10, the Senate voted to invoke cloture on the motion to proceed to H.R. 1495 by 89 to 7.
- S. 1248 is the bill reported by the Senate Committee on Environment and Public Works. *[Note: This Legislative Notice addresses a proposed substitute that likely will be offered by the bill managers to serve as base text.]*
- Among its changes, the Committee substitute amendment revises section 1003, titled “Louisiana Coastal Area Ecosystem Restoration, Louisiana.” The substitute notes that construction for certain additional projects in section 1003 may not proceed without a favorable Corps of Engineers report by December 31, 2010, that funds may not be appropriated for additional projects without approval by the Senate Environment and Public Works and the House Transportation and Infrastructure Committees, and strikes subsection (o) from the bill as reported.
- According to a preliminary review by the Congressional Budget Office (CBO), the proposed substitute amendment would increase discretionary outlays by \$7.1 billion over the 2008-2012 period, and by an additional \$6.8 billion over the 10 years following 2012. It estimated that S. 1248 **as reported** would cost \$5.5 billion over the 2008-2012 period and an additional \$26 billion over the 10 years following 2012. The lower score of the proposed substitute is driven in large part by the changes to section 1003.
- The Senate bill contains many of the same authorizations as those in S. 728, the Water Resources Development Act of 2005, which the Senate passed by voice vote on July 19, 2006. The bill was sent to conference, but no conference report was filed before the 109th Congress adjourned sine die.

Highlights

- Title I provides authority for the Secretary of the Army to carry out projects for water resources development, conservation, and other purposes.¹ It contains navigation capacity improvements and an ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System (Sec. 1002). Section 1003 authorizes the Louisiana Coastal Area Ecosystem Restoration program.
- Title II, Subtitle A contains general provisions concerning operations of the Army Corps of Engineers, including provisions specifying various reports to Congress, requirements for planning operations by the Corps, and peer review of Corps projects. Subtitle B extends authorities for ongoing Corps activities.
- Subtitle C of Title II establishes a National Levee Safety Program to examine levee safety issues. The section establishes a National Levee Safety Committee chaired by the Secretary of the Army and made up of representatives from Federal agencies, state and local governments, tribal governments, and recognized experts from throughout the United States.
- Titles III and IV provide authorization for various projects and studies. Title V contains miscellaneous changes to Corps authority, and Title VI lists deauthorized projects.
- Pages 80-83 of the Committee Report (S. Rept. 110-58) list the projects and the names of the proponents of those provisions.

Background

Congress authorizes specific Army Corps of Engineers projects in the Water Resources Development Act (WRDA), including studies, before appropriating funds to them. Congress has not completed a WRDA since 2000. The Senate Environment and Public Works Committee held a hearing on WRDA issues on March 15, 2007, and marked up a draft bill on March 29, 2007. S. 1248 was ordered reported by voice vote.

¹ See Water Resources Development Act of 2007, S. Rept. 110-58, pp. 2-3.

Bill Provisions

SECTION-BY-SECTION ANALYSIS

TITLE I - WATER RESOURCES PROJECTS

(Note: This section-by-section describes the likely substitute, not the bill as reported. Note also that the substitute contains updated cost estimates for many of the authorizations in this title.)

Sec. 1001. Project authorizations.

This section provides authority for the Secretary of the Army (Secretary) to carry out projects for water resources development, conservation, and other purposes substantially in accordance with the plans recommended in a final report of the Chief of Engineers.

Haines Small Boat Harbor, Haines, Alaska. To provide additional protection to the existing 2.25-hectare mooring and maneuvering basin and add a new adjacent 6.60-hectare basin with an additional entrance channel.

Tanque Verde Creek Project, Pima County, Arizona. To provide erosion control and establish riparian habitat area.

Salt River (Va Shlyay Akimel), Maricopa County, Arizona. To reshape abandoned quarry pits and the river channel to provide a low-flow channel and terraces, construct new drainage channels, irrigation diversions and pipelines, and/or spillways, install a groundwater well for planted vegetation, construct a grade control structure, and a recreation area.

Hamilton City, California. To construct a setback levee for the Sacramento River.

Imperial Beach, California. To initiate beach fill.

Matilija Dam, Ventura County, California. To build a dam, modify levees and floodwalls, bridges, and complete associated project execution details to restore habitat.

Middle Creek, Lake County, California. To reduce flood damage and restore an ecosystem.

Napa River Salt Marsh, California. To restore tidal wetlands and reduce water salinity through levy breaches and implement a system of water control structures.

South Platte River, Denver, Colorado. To make modifications to restore a portion of the South Platte River, Denver, Colorado.

Indian River Lagoon, South Florida. To make modifications to the estuary system for flood damage reduction and ecosystem restoration.

Miami Harbor, Miami, Florida. To widen and deepen channels, expand berthing areas, and complete associated mitigation efforts.

Picayune Strand Ecosystem Restoration, Collier County, Florida. To restore water flows and mitigate damaging freshwater discharges into estuaries.

East St. Louis and Vicinity, Illinois. To restore habitat near the Mississippi River, including bottomland forests, prairie wetlands, etc.

Peoria Riverfront, Illinois. To increase lake habitat diversity through dredging and island creation in Lower Peoria Lake.

Wood River Levee System, Illinois. To address design deficiencies by replacing old relief wells, and constructing new relief wells, reconstructing gravity drains, and pump stations.

Des Moines and Raccoon Rivers, Des Moines, Iowa. To reduce flood damage by reconstructing levees and improving closure structures.

Bayou Sorrel Lock, Louisiana. To construct a new lock.

Morganza to the Gulf of Mexico. To construct a levee for hurricane and storm damage protection.

Port of Iberia, Louisiana. To deepen shipping channels near the port of Iberia, Louisiana.

Poplar Island Expansion, Maryland. To expand Poplar Island with dredged material.

Smith Island, Maryland. To construct 2 miles of offshore breakwaters.

Swope Park Industrial Area, Missouri. To construct a floodwall, a levee, and a drainage system for flood damage protection.

Hudson-Raritan Estuary, Liberty State Park, New Jersey. To construct a salt marsh, tidal creek system, a berm, drainage pipes, and a drainage swale in the Liberty State Park area.

Manasquan to Barnegat Inlets, New Jersey. To perform berm and dune restoration from offshore sand.

Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey. To construct levees, floodwalls, storm gate, pump station, beaches and dunes, and other structures.

South River, New Jersey. To construct a storm surge barrier, levees/floodwalls, and drainage systems to reduce hurricane and storm damage and to provide wetlands and forest habitat restoration.

Southwest Valley, Albuquerque, New Mexico. To modify drainage and other flood control facilities.

Montauk Point, New York. To construct a revetment at the State Park at Montauk Point.

Hocking River Basin, Monday Creek, Ohio. To restore the Monday Creek aquatic ecosystem.

Bloomsburg, Pennsylvania. To construct levees, floodwalls, and other structures for flood control.

Pawleys Island, South Carolina. To construct berm and dune restoration from offshore sand.

Corpus Christi Ship Channel, Corpus Christi, Texas. To deepen and widen shipping channels and to execute associated ecosystem restoration.

Gulf Intracoastal Waterway, Brazos River to Port O'Connor, Texas. To reroute the existing Gulf Intracoastal Waterway to reduce strong cross currents to improve inland navigation.

Gulf Intracoastal Waterway, High Island to Brazos River, Texas. To widen and realign existing channels.

Riverside Oxbow, Fort Worth, Texas. To restore 512.2 acres of floodplain lands, 2 miles of Oxbow River channel, 56.5 acres of wetlands, and 112 acres of uplands.

Craney Island Eastward Expansion, Virginia. To expand the Craney Island Dredged Material Management Area to accommodate a marine terminal.

Deep Creek, Chesapeake, Virginia. To replace a bridge in the Dismal Swamp Canal.

Chehalis River, Centralia, Washington. To construct a levee system along parts of various rivers and streams in the Chehalis River Valley.

This section also contains authorizations for the following projects: May Branch, Fort Smith, Arkansas; Comprehensive Everglade Restoration, Florida, (site 1); Kansas City Missouri, Kansas (levee construction); Mississippi River Coastal Improvement Project, Mississippi; Roseau River, Minnesota (flood control); Hurricane Storm Protection Project extending from Great Egg Harbor Inlet to Tonsends Inlet, New Jersey; Lower Colorado River, Texas (flood control).

Sec. 1002. Enhanced navigation capacity improvements and ecosystem restoration plan for the Upper Mississippi River and Illinois Waterway System.

This section authorizes navigation improvements and ecosystem restoration for the Upper Mississippi River and Illinois Waterway System. These improvements and the ecosystem restoration for the Upper Mississippi River and Illinois Waterway System are in general conformance with the recommended plan contained in the Report of the Chief of Engineers dated December 15, 2004.

The navigation improvements include small-scale and nonstructural measures and new locks. The small scale and nonstructural measures consist of the construction of mooring facilities at Locks 12, 14, 18, 20, 22, 24, and La Grange Lock; switch boats at Locks 20 through 25; and the development and testing of an appointment scheduling system.

New 1,200-foot locks are authorized for construction at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

This section lists specific types of ecosystem restoration projects that may be conducted under this authority for the Upper Mississippi River and Illinois Waterway System.

Sec. 1003. Louisiana coastal area ecosystem restoration, Louisiana.

This section authorizes a program for ecosystem restoration in the Louisiana Coastal Area (LCA).

Subsection (a) authorizes the Louisiana Coastal Area program in accordance with the near term plan outlined in the report of the Chief of Engineers dated January 31, 2005. This report is based on what is known as the Coast 2050, plan written by the State of Louisiana, the Corps, and other Federal agencies in response to degradation of the area.

Subsection (b) establishes the priorities of the program.

Subsection (c) authorizes the Corps to make modification as necessary to the five near-term critical ecosystem restoration features identified in the Chief's Report due to the impact of Hurricanes Katrina and Rita on the project areas.

Subsection (d) authorizes the Corps to conduct a demonstration program to evaluate new technologies and the applicability of the technologies to the program.

Subsection (e) authorizes the Corps to conduct a program for beneficial use of dredged material.

Subsection (f) feasibility reports to Congress on the features included in table three of the Chief of Engineers Report.

Subsection (g) provides for the financial participation of non-governmental entities as contributors toward the non-Federal share.

Subsection (h) requires submission of a plan by the Secretary, in coordination with the Governor of Louisiana.

Subsection (i) establishes a task force.

Subsection (j) establishes a Science and Technology program.

Subsection (k) authorizes the Secretary to determine that the environmental benefits provided by the program outweigh the disadvantage of an activity, and no further economic justification is required if the Secretary determines that the activity is cost-effective.

Subsection (l) requires a study to evaluate the impact on ecosystem degradation in south Louisiana of authorized activities.

Subsection (m) authorizes the Secretary to review existing water resources projects in the program area.

Subsection (n) establishes within the Louisiana Water Resources Council the Mississippi River Commission.²

Subsection (o) provides for an external review of the demonstration program under (d).

Subsection (p) authorizes the Secretary to execute a series of projects in Louisiana.

Subsection (q) requires a report to the Senate Environment and Public Works Committee and the House Committee on Transportation and Infrastructure describing modifications necessary for the flood damage reduction project for Larose to Golden Meadow, Louisiana, to achieve certification necessary to qualify for participation in the National Flood Insurance Program.

Subsection (r) permits the consolidation of certain flood control projects in Louisiana.

Subsection (s) deauthorizes the Mississippi River Gulf outlet project, and authorizes the Secretary to carry out a study and implement a project to modify the Mississippi River Gulf outlet if the Chief of Engineers issues a favorable report within 180 days of enactment.

Sec. 1004. Small projects for flood damage reduction.

This section directs the Secretary to conduct a study of the following and permits execution of each project if the Secretary determines that the project is feasible: Cache River Basin, Grubbs, Arkansas; Bibb County and the City of Macon Levee, Georgia; Fort Wayne, Indiana, Salem, Massachusetts; Crow River, Rockford, Minnesota; South Branch of the Wild Rice River, Borup, Minnesota; and Cheyenne, Wyoming.

Sec. 1005. Small projects for navigation.

This section directs the Secretary to conduct a study of the following and permits execution of each project determined that the project is feasible: Little Rock Port, Arkansas; Au Sable River, Michigan; Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin; and Middle Bass Island State Park, Middle Bass Island, Ohio; Barrow Harbor, Alaska; Nome Harbor, Alaska; Old Harbor, Alaska; East Basin, Massachusetts; Lynn Harbor, Massachusetts; Merrimack River, Massachusetts; Oak Bluffs Harbor, Massachusetts; Woods Hole Great Harbor, Massachusetts; Clinton River, Michigan; Ontonagon River, Michigan; Traverse City, Michigan; Sebawaing River, Michigan; Tower Harbor, Minnesota; Middle Bass Island State Park, Middle Bass Island, Ohio; Milwaukee Harbor, Wisconsin.

² Under the proposed substitute amendment, the Louisiana Water Resources Council is to function only as the exclusive peer review panel for Corps projects in Louisiana identified as hurricane disaster areas.

Sec. 1006. Small projects for aquatic ecosystem restoration.

This section directs the Secretary to conduct a study of the following and permits execution of each project determined feasible: San Diego River, California; Suisun Marsh, San Pablo Bay, California; Johnson Creek, Gresham, Oregon; Blackstone River, Rhode Island; College Lake, Lynchburg, Virginia; Black Lake, Alaska; Chattahoochee Fall-Line, Georgia; Mill Pond, Littleton, Massachusetts; Milford Pond, Milford, Massachusetts; Pine Tree Brook, Milton, Massachusetts; Clinton River, Michigan; Caldwell County, North Carolina; Mecklenberg County, North Carolina.

Sec. 1007. Small projects to prevent or mitigate damage caused by navigation projects.

This section directs the Secretary to conduct a study of the following and permits execution of each project determined is feasible: Tybee Island, Georgia; Burns Waterway Harbor, Indiana.

Sec. 1008. Small projects for aquatic plant control.

This section authorizes the Secretary to carry out the following project: Republican River Basin, Nebraska.

TITLE II - GENERAL PROVISIONS

Subtitle A – Provisions

Note: the following section-by-section reflects the sections as contained in the proposed substitute; it does not contain section descriptions unavailable at press time.

Sec. 2001. Credit for in-kind contributions.

This section provides general authority for the Secretary to provide credit for in-kind services made by the non-Federal sponsor toward the non-Federal share of the cost of a project. In-kind services include: 1) the costs of planning, design, management, mitigation, construction, and construction services; 2) the value of materials or services provided before the execution of an agreement for the project, including efforts on constructed elements incorporated into the project and materials; and 3) services provided after an agreement is executed.³

Sec. 2002. Interagency and international support authority.

This section allows the Secretary to provide support to foreign governments, and it adds contracting as one of the activities the Army Corps of Engineers may undertake under this authority. It authorizes \$1,000,000 for this purpose for fiscal year 2007 and in years thereafter.

³ See pp. 29-30 of S. Rept. 110-58 for a list of projects to which the crediting policy is to be applied.

Sec. 2003. Training funds.

This section authorizes the Secretary to allow non-Federal interests to enroll in training classes or courses offered by the Army Corps of Engineers and to recoup expenses incurred by the Corps in providing training for those participants.

Sec. 2004. Fiscal transparency report.

This section directs the Secretary to submit to Congress each January, beginning in 2008, a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

Sec. 2005. Planning.

This section requires the Secretary to assess each water resource project and project increment for cost-effectiveness and compliance with local, State, and national laws, regulations, and public policies. The Chief of Engineers is required to complete feasibility reports within 2 years of execution of a cost-sharing agreement. Complex reports may be extended to up to 4 years. Feasibility reports are required to include a calculation of the residual risk estimates of flooding, and risk to human safety following completion of the proposed project.

If non-Federal study sponsors request and provide the cost-share, studies should incorporate and evaluate project alternatives without regard for whether such alternatives are within budgetary priorities for implementation.

Sec. 2006. Water Resources Planning Coordinating Committee.

This section requires the President to establish a Water Resources Planning Coordinating Committee composed of the secretaries of Interior, Agriculture, Health and Human Services, Housing and Urban Development, Transportation, Energy, Homeland Security, Commerce, the Administrator of the Environmental Protection Agency, and the Chairperson of the Council on Environmental Quality. The Coordinating Committee is to carry out the duties and responsibilities set forth in the National Water Resources Planning and Modernization Policy. This policy states that all water resources projects carried out by the Corps of Engineers will reflect national priorities; seek to avoid the unwise use of floodplains; minimize vulnerabilities in any case in which a floodplain must be used; protect and restore the functions of natural systems; and mitigate any unavoidable damage to natural systems.

Sec. 2007. Independent Peer Review.

Section 2007 establishes new requirements for independent peer review of Corps projects. Review panels as established by the Director of Independent Review (appointed by the Secretary), would evaluate any feasibility report, reevaluation report, or environmental impact statement prepared by the Corps with an estimated total cost of more than \$40,000,000, any project for which the governor of an affected State requests a review, any project for which the head of a Federal agency that is charged with reviewing a project determines that the project will have a significant adverse impact, and any project for which the Secretary determines the project is controversial. The public can request a determination of whether a project is controversial.

Sec. 2008. Mitigation for fish and wildlife losses.

This section amends section 906 of the Water Resources Development Act of 1986. Subsection (a) amends section 906(a) to require completion of mitigation no later than the last day of the first fiscal year beginning after completion of the project or separable element where such mitigation is not technically practicable to complete by the last day of construction. The section also authorizes the use of consolidated mitigation when other forms of mitigation are not practicable or are less environmentally desirable.

Sec. 2009. State technical assistance.

This authorizes the Secretary, upon request of a governmental agency or non-Federal interests, to provide technical assistance at Federal expense. This assistance may include hydrologic, economic, and environmental data and analyses and may not exceed \$10,000,000 a year.

Sec. 2010. Access to water resources data.

This section directs the Secretary to provide public access to water resources and related water quality data and authorizes \$2,000,000 annually to carry out the section.

Sec. 2011. Construction of flood control projects by non-Federal interests.

This section establishes the budget priority for projects being developed and carried out under the authority of section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b). The budget priority of those projects shall be proportionate to the percentage of project completion or if the project is complete, shall have the same priority as a project with a contractor onsite. This section also adds the following projects to the list of demonstration projects established in section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13):

Thornton Reservoir, Cook County, Illinois--This section amends section 211(f) of the Water Resources Development Act of 1996 to include an element of the project for flood control, Chicagoland Underflow Plan, Illinois.

Buffalo Bayou, Texas--This section amends section 211(f) of the Water Resources Development Act of 1996 to include the Buffalo Bayou, Texas project. The Buffalo Bayou Texas project was first authorized by the River and Harbors Act of 20 June 1938.

Halls Bayou, Texas--This section amends section 211(f) of the Water Resources Development Act of 1996 to include the Halls Bayou project, and subject to approval by the Secretary as provided by this section, the non-Federal interests may design and construct an alternative to the authorized project. The Halls Bayou project was authorized by section 101(a)(21) of the Water Resources Development Act of 1990.

Sec. 2012. Regional sediment management.

This section authorizes the Corps to engage in the regional planning and implementation of water resources and environmental restoration projects.

Sec. 2013. National shoreline erosion control development program.

This section permanently reauthorizes the National Shoreline Erosion Control Development and Demonstration program.

Sec. 2014. Shore protection projects.

This section states that it is the policy of the United States to promote shore protection projects, including beach restoration and periodic beach renourishment, for a period of 50 years. Preference shall be given to areas where Federal funds have been invested and areas where Federal navigation projects or activities have caused the need for prevention or mitigation to shores and beaches.

Sec. 2015. Cost sharing for monitoring.

This section authorizes the Secretary to cost-share in the monitoring of ecosystem restoration projects. After 10 years, the costs of monitoring shall be 100 percent non-Federal.

Sec. 2016. Ecosystem restoration benefits.

This section directs the Secretary to include ecosystem restoration benefits as part of developing a recommended plan for the following projects: Grayson's Creek, California; Seven Oaks, California; Oxford, California; Walnut Creek, California; and Wildcat Phase II, California.

Sec. 2017. Funding to expedite the evaluation and processing of permits.

This section amends section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) to make the program permanent.

Sec. 2018. Electronic submission of permit applications.

This section directs the Secretary to establish procedures to allow the electronic submission of permit applications for permits under the jurisdiction of the Department of the Army.

Sec. 2019. Improvement of water management at Corps of Engineers reservoirs.

This section authorizes the Secretary to carry out measures in cooperation and coordination with States, tribal governments, and local governments to more effectively and efficiently meet the water resource needs in watersheds containing reservoirs operated and maintained by the Army Corps of Engineers.

Sec. 2020. Federal hopper dredges.

This section lifts the annual operational restrictions on the Federal dredges *Yaquina* and *Essayons* to maximize the available dredging capacity to maintain channel dimensions of West Coast Federal navigation projects. The committee is aware that the current restrictions on the Federal hopper dredges do not maximize the use of these important Federal resources.

Sec. 2021. Extraordinary Rainfall Events.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina, Rita, and Andrew shall not be considered in making a determination with respect to the ordinary high water mark for the purposes of carrying out section 10 of the Rivers and Harbors Act of 1899.

Sec. 2022. Wildfire Firefighting.

This section modifies Section 309 of Public Law 102-154 by adding “Secretary of the Army” to the entities able to participate with local authorities on firefighting.

Sec. 2023. Nonprofit Organizations as Sponsors.

This section modifies Section 221(b) of the Flood Control Act of 1970 by permitting nonprofit organizations acting with the consent of the affected unit of government to be a non-Federal sponsor of a Federal project.

Sec. 2024. Project Administration.

This section requires the Secretary to assign a unique tracking number to each project to assist in public availability of information. It also requires the Secretary to provide project documents to the Library of Congress to improve public availability.

Sec. 2025. Program Administration.

This section repeals certain existing provisions of law that affect the flexibility of the Corps to manage its program.

Sec. 2026. Extension of Shore Protection Projects.

Prior to the termination of Federal financial participation in a shore protection project, the Secretary is authorized to review the project to determine whether it would be feasible to extend Federal participation.

Sec. 2027. Tribal Partnership Program

This section amends the Water Resources Development Act of 2000 to permit the Secretary to carry-out water-related planning activities as part of the Tribal Partnership Program and extends the authorization in that section from 2006 to 2012.

Subtitle B - Continuing Authorities Programs

Sec. 2031. Navigation enhancements for waterborne transportation.

This section increases the per-project limit from \$4,000,000 to \$7,000,000 for the continuing authority navigation program carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

Sec. 2032. Protection and restoration due to emergencies at shores and streambanks.

This section increases the per project limit from \$1,000,000 to \$1,500,000 for the continuing authority program for emergency streambank protection carried out under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

Sec. 2033. Restoration of the environment for protection of aquatic and riparian ecosystems program.

This section increases the annual program limit from \$25,000,000 to \$30,000,000 for the continuing authority program for aquatic ecosystem restoration carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

Sec. 2034. Environmental modification of projects for improvement and restoration of ecosystems program.

This section increases the annual program limit from \$25,000,000 to \$30,000,000 for the continuing authority program that allows for modifications to existing projects to benefit the environment being carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).

Sec. 2035. Projects to enhance estuaries and coastal habitats.

This section creates a new continuing authority program through 2011, Projects to Enhance Estuaries and Coastal Habitats, for improvement of the quality of the environment by performing estuary habitat restoration, with an annual program limit of \$10,000,000 and a per-project cost limit of \$5,000,000.

Sec. 2036. Remediation of abandoned mine sites.

This section expands the existing Remediation of Abandoned Mine Sites (RAMS) program into a continuing authority program through 2011, with an annual program limit of \$20,000,000, by amending section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354-355) to authorize the Secretary to perform construction activities associated with remediation of abandoned mines, to cost-share program features with non-profit organizations with the consent of the affected local government, and to adjust the cost share requirement. It defines the operation and maintenance costs as 100 percent non-Federal.

Sec. 2037. Small projects for the rehabilitation or removal of dams.

This section creates a new continuing authority program through 2011, Small Projects for the Rehabilitation or Removal of Dams, for improvement of the quality of the environment, with an annual program limit of \$10,000,000 and a per-project cost limit of \$5,000,000.

Sec. 2038. Remote, maritime-dependent communities.

This section gives the Secretary of the Army authority to develop criteria for the justification of Federal participation in remote harbors without the need to demonstrate that the project is justified solely by National Economic Development benefits. The remote or subsistence harbor projects would be cost-shared in accordance with section 101 of the Water Resources Development Act of 1986, in the same way other harbor projects are cost shared.

Sec. 2039. Agreements for water resource projects.

This section provides that if the Secretary determines that a project needs to be continued for the purposes of public health and safety, the non-Federal interest shall pay its share of the increased project costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily determined cost share, and the Secretary shall pay all increased costs remaining. This section eliminates civil penalties in partnership agreements and allows the use of liquidated damages in partnership agreements entered into after the date of enactment, unless the non-Federal interest requests applicability from the district engineer and construction has not been initiated.

Sec. 2040. Program names.

This section changes the name for the continuing authority program created under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

Subtitle C - National Levee Safety Program

This subtitle authorizes the new National Levee Safety Program. This program includes the National Levee Safety Committee (sec. 2053) and responsibilities of the Levee Safety Program (sec. 2054), and authorizes the appropriations associated with the Program (sec. 2055).

Sec. 2053. National Levee Safety Committee.

The National Levee Safety Committee chaired by the Secretary of the Army, shall be made up of representatives from Federal agencies, State and local governments, tribal governments, and recognized experts from throughout the United States and has the responsibility of advising the Secretary of the Army on the policies, procedures, and program needs for the enhancement of levee safety for the protection of human life and property.

Sec. 2054. National Levee Safety Program.

This section directs the Secretary of the Army to develop, maintain, and periodically publish an inventory of levees in the United States and perform an assessment of these levees.

Section 2055. Appropriations.

This section authorizes appropriations for the Levee Safety Program. Six items are identified for funding, including: \$20 million for the establishment and maintenance of the national inventory of levees; \$42 million to perform levee assessments; \$15 million for state levee safety programs in 2007 followed by \$5 million per year for fiscal years 2008 through 2011; for research and levee safety training under Section 2054, \$3 million for safety and training; and \$150,000 for travel expenses associated with the Levee Safety Committee.

Title III - PROJECT RELATED PROVISIONS

Sec. 3001. St. Herman and St. Paul Harbors, Kodiak, Alaska.

This section authorizes the Secretary to carry out, on an emergency basis, the necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

Sec. 3002. Sitka, Alaska.

This section directs the Secretary to take such action as is necessary to correct design deficiencies in the Thompson Harbor element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801) Thompson Harbor at Sitka, Alaska, at a Federal cost \$6,300,000.

Sec. 3003. Black Warrior-Tombigbee Rivers, Alabama.

This section authorizes the Secretary to construct a new project management office for the Black Warrior-Tombigbee Rivers and Alabama River projects near Tuscaloosa, Alabama, at a Federal cost of \$32,000,000.

Sec. 3004. Nogales Wash and Tributaries Flood Control Project, Arizona.

This section modifies the flood control project at Nogales Wash to authorize the Secretary to construct the project at a total cost of \$25,410,000, with a Federal cost of \$22,930,000 and an estimated nonfederal cost of \$2,480,000.

Sec. 3005. Rio De Flag, Flagstaff, Arizona.

The cost of the project for Rio De Flag, Flagstaff, Arizona authorized by Section 101(b)(3) of the Water Resources Development Act of 2000 is increased to \$54,100,000, with an estimated Federal cost of \$35,000,000 and a non-Federal cost of \$19,100,000.

Sec. 3006. Tuscon Drainage Area, Arizona

The flood damage reduction project at Tuscon Arroyo is modified to authorize the Secretary to construct the project as a total cost of \$66,700,000, with an estimated Federal cost of \$43,350,000, and an estimated non-Federal cost of \$23,350,000..

Sec. 3007. Augusta and Clarendon, Arkansas.

This section modifies the project for flood control, Augusta to Clarendon Levee, Lower White River, Arkansas project, to authorize the Secretary to carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of \$8,000,000, with an estimated Federal cost of \$5,200,000 and an estimated non-Federal cost of \$2,800,000.

Sec. 3008. Eastern Arkansas Enterprise Community, Arkansas.

This section permits Federal assistance made available under the rural enterprise zone program of the Department of Agriculture to be used toward payment of the non-Federal share of the costs of the project at Eastern Arkansas Enterprise Community.

Sec. 3009. Red-Ouachita River Basin levees, Arkansas and Louisiana.

This section authorizes the Secretary to design, construct, operate, and maintain bank stabilization measures, at Federal expense, along the Ouachita and Black Rivers, Arkansas and Louisiana, between mile 0 on the Black River, Louisiana, and mile 460 on the Ouachita River, Arkansas, at the outlet of Rammel Dam.

Sec. 3010. St. Francis Basin, Arkansas and Missouri.

This section modifies the St. Francis Basin, Arkansas and Missouri project, to authorize the Secretary to undertake channel stabilization and sediment removal measures as part of the original project. These measures would be provided at current project cost sharing, which is 100 percent Federal.

Sec. 3011. St. Francis Basin land transfer, Arkansas and Missouri.

This section modifies the St. Francis Basin, Arkansas and Missouri project such that the Secretary is authorized to transfer acquired project mitigation lands in Arkansas directly to the State of Arkansas or its appropriate designee, provided that certain local requirements are met.

Sec. 3012. McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma.

This section directs the Secretary to continue construction of the 12-foot channel project and authorizes the Secretary to determine the need for and construct modifications in the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma; \$12,000,000 is authorized to carry out this section.

Sec. 3013. Cache Creek Basin, California.

This section directs the Secretary to mitigate the hydraulic impacts of the new south levee of the Cache Creek Settling Basin on the city of Woodland's storm drainage system capacity.

Sec. 3014. CALFED Levee Stability Program, California.

This section authorizes an additional \$106,000,000 to assist in the CALFED Levee Stability Program to continue the efforts authorized by the Water Supply, Reliability and Environmental Improvement Act (P.L. 108-361).

Sec. 3015. Hamilton Airfield, California.

This section modifies the project for environmental restoration at Hamilton Army Airfield, California, to include the diked bayland parcel 'Bel Marin Keys Unit V'. The total cost is \$221,700,000, with a Federal cost of \$166,200,000 and a non-Federal cost of \$55,500,000.

Sec. 3016. LA-3 dredged material ocean disposal site designation, California.

This section extends the LA-3 Dredged Material Ocean Disposal Site interim designation from January 1, 2003 to January 1, 2007.

Sec. 3017. Larkspur Ferry Channel, California.

This section authorizes the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible. If the Secretary determines that maintenance of the project is feasible, the Secretary shall maintain the channel.

Sec. 3018. Llagas Creek, California.

This section authorizes the Secretary to complete the project for flood damage reduction at Llagas Creek at a total cost of \$105,000,000, with a Federal cost of \$65,000,000 and a non-Federal cost of \$40,000,000.

Sec. 3019. Magpie Creek, California.

This section directs the Secretary to apply cost-sharing requirements for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage. The crediting allowed under this provision shall not exceed the non-Federal share of the cost of the project. The Secretary is directed to utilize the in-kind contribution authorization in section 2001 of this Act to provide a credit to the local sponsors for the value of their in-kind contributions made on authorized activities in the project's scope of work if the Secretary determines the work is integral to the project.

Sec. 3020. Petaluma River, Petaluma, California.

This section modifies the project for Petaluma River, California to authorize the Secretary to construct the project at a total cost of \$41,500,000, with an estimated Federal cost of \$26,975,000 and an estimated non-Federal cost of \$14,525,000.

Sec. 3021. Pine Flat Dam fish and wildlife habitat, California.

This section directs the Secretary to participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in the Pine Flat Reservoir and in the 14-mile reach of Kings River immediately below the dam in accordance with Kings River Fisheries Management Program Framework. There is authorized to be appropriated \$20,000,000.

Sec. 3022. Redwood City navigation project, California.

This section authorizes the Secretary to dredge the Redwood City Navigation Channel on an annual basis, to maintain the authorized depth of 30 feet mean lower low water.

Sec. 3023. Sacramento and American Rivers flood control, California.

This section directs the Secretary to apply remaining funds eligible for reimbursement on the Natomas Federal Plan as a credit toward the non-Federal share of costs for future work on any flood damage reduction project authorized before the date of enactment of this Act that is to be paid for by the Sacramento Area Flood Control Agency.

Sec. 3024. Sacramento River Bank Protection Project, California.

Sec. 3025. Conditional declaration of nonnavigability, Port of San Francisco, California.

This section declares portions of the San Francisco, California, waterfront not to be navigable water of the United States for the purpose of section 9 of the Act of March 3, 1899 (33 U.S.C. 401) and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) if the Secretary determines that proposed projects are in the public interest.

Sec. 3026. Salton Sea restoration, California.

This section authorizes a special study of pilot projects identified in the preferred restoration concept plan approved by the Salton Sea Authority to determine if the pilot projects are economically justifiable, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105-372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority to carry out the pilot projects. There is authorized \$30,000,000 to pay 65 percent of the cost of any measures carried out, of which not more than \$5,000,000 may be used for any one pilot project.

Sec. 3027. Santa Barbara Streams, Lower Mission Creek, California.

The cost of the project for Santa Barbara Streams, Lower Mission Creek, California, authorized by Section 101(b)(8) of the Water Resources Development Act of 2000, is increased to \$30,000,000, with an estimated Federal cost of \$15,000,000 and an estimated non-Federal cost of \$15,000,000.

Sec. 3028. Upper Guadalupe River, California.

This section authorizes the Secretary to carry out the project for flood damage reduction and recreation, Upper Guadalupe River, California, in accordance with Upper Guadalupe River Flood Damage Reduction Project, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of \$244,500,000, with an estimated Federal cost of \$130,600,000 and an estimated non-Federal cost of \$113,900,000.

Sec. 3029. Yuba River Basin project, California.

This section modifies the project for flood damage reduction by increasing the authorized project cost from \$26,600,000 to \$107,700,000, with a Federal cost of \$70,000,000 and a non-Federal cost of \$37,700,000. The Secretary is directed to utilize the in-kind contribution authorization in section 2001 of this Act to provide a credit to the local sponsors for the value of their in-kind contributions made on authorized activities related to the levees in the project's scope of work, if the Secretary determines the work is integral to the project.

Sec. 3030. Charles Hervey Townshend Breakwater, New Haven Harbor, Connecticut.

This section designates the western breakwater in New Haven Harbor as the 'Charles Hervey Townshend Breakwater'.

Sec. 3031. Anchorage area, New London Harbor, Connecticut.

This section modifies the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), to redesignate a portion of the 23-foot deep waterfront channel as an anchorage area.

Sec. 3032. Norwalk Harbor, Connecticut.

This section deauthorizes two small areas and authorizes the Secretary to realign a portion of the 10-foot channel at the northern section of the project for navigation, Norwalk Harbor, Connecticut.

Sec. 3033. St. George's Bridge, Delaware.

This section directs the Secretary to assume ownership of the State Route 1 replacement bridge and continue to operate and maintain the existing St. George's Bridge unless otherwise directed by Congress.

Sec. 3034. Additional program authority, comprehensive Everglades restoration, Florida.

This section applies section 902 of WRDA 1986 to the cost limits on the Federal share, total cost, and aggregate cost of projects pursued under CERF's programmatic authority of WRDA 2000 section 601(c).

Sec. 3035. Brevard County, Florida.

The project limit for Brevard County, Florida, authorized in Section 418 of the Water Resources Development Act of 2000 is amended from 7.1 mile reach to 7.6 mile reach.

Sec. 3036. Critical restoration projects, Everglades and south Florida ecosystem restoration, Florida.

This section increases the Federal appropriation limit for this program from \$75,000,000 to \$95,000,000 and removes language ending the period of appropriation, which was set at fiscal year 1999 in WRDA 1996 and at fiscal year 2003 in WRDA 1999. It also increases the limit on Federal expenditures for a single project from \$25,000,000 to \$30,000,000 in the case of the Seminole Water Conservation Plan.

Sec. 3037. Lake Okeechobee and Hillsboro Aquifer pilot projects, comprehensive Everglades restoration, Florida.

This section amends section 601(b)(2)(B) of WRDA 2000 to include the pilot projects for aquifer storage and recovery, Lake Okeechobee and Hillsboro Aquifer, Florida, under the cost sharing and other provisions of WRDA 2000. The costs of operation and maintenance of these projects shall remain 100 percent non-Federal.

Sec. 3038. Lido Key, Sarasota County, Florida.

This section directs the Secretary to carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, in accordance with the report of the Chief of Engineers dated December 22, 2004. The modified project provides for initial construction and periodic nourishment of an 80-foot-wide beach berm over 1.56 miles of shoreline. The authorized total cost is \$14,809,000 with an estimated Federal cost of \$9,088,000 and an estimated non-Federal cost of \$5,721,000. Estimated total costs of \$63,606,000 for periodic nourishment over 50 years have an estimated Federal cost of \$31,803,000 and an estimated non-Federal cost of \$31,803,000.

Sec. 3039. Port Sutton Channel, Tampa Harbor, Florida.

The project for Port Sutton Channel, Tampa Harbor, Florida, authorized by Section 101(b)(12) of the Water Resources Development Act of 2000, is modified to authorize the project to be carried out at a cost of \$12,900,000.

Sec. 3040. Tampa Harbor, Cut B, Tampa, Florida.

This section modifies the project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

Sec. 3041. Allatoona Lake, Georgia.

This section authorizes the Secretary to exchange land at Allatoona Lake, Georgia, by adding an alternative method whereby the Government could sell land above 863 feet in elevation and with the proceeds from the sales, acquire additional lands, from willing sellers, to protect the water quality and overall environment of Allatoona Lake.

Sec. 3042. Dworshak Reservoir Improvements, Idaho.

This section directs the Secretary to construct recreational facilities and improve existing Army Corps of Engineers and other improvements to recreation facilities at the existing Dworshak Reservoir to allow for operation at the lower pool elevations that are being experienced to assist in salmon species recovery efforts. The estimated total project cost is \$5,300,000, with an estimated Federal cost of \$3,900,000 and an estimated non-Federal cost of \$1,400,000.

Sec. 3043. Little Wood River, Gooding, Idaho.

This section directs the rehabilitation of the Gooding, Idaho Channel Project for the purpose of flood control and ecosystem restoration, if the Secretary determines the rehabilitation and ecosystem restoration to be feasible. The section authorizes the Secretary to plan, design and construct the project at a total cost of \$9,000,000, provides that the non-Federal share of the cost of the project can be provided as in-kind contributions, and provides that non-Federal funds may come from other Federal programs if permitted under that Federal program.

Sec. 3044. Port of Lewiston, Idaho.

This section extinguishes certain reversionary interests and use restrictions related to industrial use purposes, the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas, and the restriction on human habitation or other building structure in which the elevation is above the standard project flood elevation. This section also specifies the deeds involved and includes a savings clause regarding other remaining rights and interests of the Army Corps of Engineers for authorized project purposes.

Sec. 3045. Cache River Levee, Illinois.

This section adds environmental restoration as a project purpose to the Cache River Levee project.

Sec. 3046. Chicago, Illinois.

This section modifies the existing authorization by clarifying that the study includes Lake Michigan as well as the Chicago River.

Sec. 3047. Chicago River, Illinois.

This section reduces the width of the authorized navigation channel from between 100 and 120 to no wider than 66 feet from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois.

Sec. 3048. Illinois River Basin Restoration.

This section increases the authorization of Section 519(c)(3) of the Water Resources Development Act of 2000 from \$5,000,000 to \$20,000,000.

Sec. 3049. Missouri and Illinois flood protection projects reconstruction pilot program.

This section directs the Secretary to reconstruct existing flood control projects in Missouri and Illinois as needed for proper functioning as originally authorized, so long as the deficiencies identified are not due to lack of proper operation and maintenance by the non-Federal interest. Costs shall be shared in the same percentages as the original projects. Operation, maintenance, repair, and rehabilitation of reconstructed projects are a non-Federal responsibility. A total of \$50,000,000 is authorized for this effort. The following critical projects are to receive priority: Clear Creek Drainage and Levee District, Illinois; Fort Chartres and Ivy Landing Drainage District, Illinois; Wood River Drainage and Levee District, Illinois; City of St. Louis, Missouri; and Missouri River Levee Drainage District, Missouri.

Sec. 3050. Spunky Bottom, Illinois.

This section adds ecosystem restoration as a project purpose to the flood control project between Beardstown, Illinois and the mouth of the Illinois River. In addition, it directs that the flood control project shall remain eligible for emergency repair assistance without consideration of economic justification. It also authorizes \$7,500,000 in Federal funding (\$500,000 of which will be available for post-construction monitoring and adaptive management for a period of five years following completion of construction) for specific project modifications.

Sec. 3051. Strawn Cemetery, John Redmond Lake, Kansas.

This section directs the transfer of approximately 3 acres of Federal lands at John Redmond Lake to Pleasant Township, Kansas. The conveyance would be at fair market value of undeveloped land. All costs associated with the conveyance shall be non-Federal.

Sec. 3052. Milford Lake, Milford, Kansas.

The Secretary is directed to convey at fair market value to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas.

Sec. 3053. Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia.

This section modifies the project for ecosystem restoration, Ohio River, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, to authorize the Secretary to cost-share

projects with non-profit organizations with the consent of the affected local government, prepare an implementation plan, and initiate a pilot restoration program in the Lower Scioto Basin, Ohio.

Sec. 3054. Hickman Bluff Stabilization, Kentucky.

Sec. 3055. McAlpine Lock and Dam, Kentucky and Indiana.

This section increases the authorized costs of the project for McAlpine Lock and Dam, authorized by Section 101(a)(10) of the Water Resources Development Act of 1990, to \$430,000,000.

Sec. 3056. Public Access, Atchafalaya, Basin Floodway System, Louisiana.

This section authorizes the Secretary to acquire an additional 20,000 acres of land from willing sellers as is consistent with the Public Access feature. This section removes the \$32,000,000 cap for the acquisition of additional lands retroactive to the Water Resources Development Act of 1986 when the project scope was expanded.

Sec. 3057. Regional Visitor Center, Atchafalaya Basin Floodway System, Louisiana.

This section directs the Secretary in consultation with the State of Louisiana to study, design, and construct a type A regional visitors' center in the vicinity of Morgan City, Louisiana. The non-Federal share of the cost of upgrading the visitors center and the operation and maintenance costs of the visitors center is 100 percent.

Sec. 3058. Calcasieu River and Pass, Louisiana.

This section modifies the project for the Calcasieu River and Pass, Louisiana, to authorize the Secretary to provide \$3,000,000 for each fiscal year, in a total amount of \$15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of disposal areas.

Sec. 3059. East Baton Rouge Parish, Louisiana.

This section modifies the project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004. The estimated cost is \$178,000,000.

Sec. 3060. Mississippi River Gulf Outlet Relocation Assistance, Louisiana.

To support the relocation of the Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet, the Gulf Intracoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River, \$75,000,000 is authorized to be appropriated to be administered by the Economic Development Administration. An additional \$85,000,000 is authorized to be available to support revolving loan funds to assist private businesses in relocation.

Sec. 3061. Red River (J. Bennett Johnston) Waterway, Louisiana.

This section will allow the Secretary to purchase and reforest lands which have been cleared or converted to agricultural uses for mitigation purposes. The total project cost is \$33,200,000.

Sec. 3062. Camp Ellis, Saco, Maine.

This section authorizes the Secretary to continue erosion mitigation up to a maximum of \$25,000,000 on Camp Ellis Beach caused by the Federal navigation project.

Sec. 3063. Rockland Harbor, Maine.

Sec. 3064. Rockport Harbor, Maine.

Sec. 3065. Saco River, Maine.

Sec. 3066. Union River, Maine.

This section modifies the project for navigation, Union River, Maine, authorized by the Act of June 3, 1896 (29 Stat. 215, Chapter 314), by redesignating the upper 6-foot turning basin as an anchorage area.

Sec. 3067. Baltimore Harbor and Channels, Baltimore, Maryland.

Sec. 3068. Chesapeake Bay environmental restoration and protection program, Maryland, Pennsylvania, and Virginia.

This section amends section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) to increase the total program funding limit from \$10,000,000 to \$30,000,000.

Sec. 3069. Cumberland, Maryland.

This section increases the total authorized cost of the project for restoration of the Chesapeake and Ohio Canal from \$15,000,000 to \$25,750,000, with an estimated Federal cost of \$16,738,000 and an estimated non-Federal cost of \$9,012,000.

Sec. 3070. Aunt Lydia's Cove, Massachusetts.

The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960, consisting of the 8-foot deep anchorage in the cove, is deauthorized.

Sec. 3071. Fall River Harbor, Massachusetts and Rhode Island.

This section extends the authorization for the project for navigation, Fall River Harbor, Massachusetts and Rhode Island. This section also directs the Secretary to conduct a study to determine the feasibility of deepening a portion of the channel of the navigation project.

Sec. 3072. North River, Peabody, Massachusetts.

Sec. 3073. Ecorse Creek, Michigan.

Sec. 3074. St. Clair River and Lake St. Clair, Michigan.

This section authorizes the Secretary to establish and lead a partnership of agencies in the management of the St. Clair River and Lake St. Clair Watersheds, to develop and implement projects consistent with the St. Clair River and Lake St. Clair Comprehensive Management Plan. Appropriations to support this provision are authorized at \$20,000,000 per fiscal year. The non-Federal share for the cost of technical assistance, planning, design, construction, and evaluation of a project, and the development of supplementary information, is 25 percent of the total cost of the project or development. All operation and maintenance costs associated with projects are to be 100 percent non-Federal responsibilities.

Sec. 3075. Duluth Harbor, Minnesota.

This section authorizes the Secretary to include public access and recreational facilities as part of the federally cost-shared facilities for the project, including parking facilities, pedestrian walkways, and boating and fishing access facilities. This section also increases the allowable Federal share to \$9,000,000 to accommodate the increased project scope.

Sec. 3076. Project for Environmental Enhancement, Mississippi and Louisiana estuarine areas.

Sec. 3077. Land Exchange, Pike County, Missouri.

This section directs a land exchange of 42 acres between S.S.S., Inc. and the Army Corps of Engineers within 2 years.

Sec. 3078. L-15 Levee, Missouri.

The section deems a designated portion of the L-15 levee system to be a Federal levee.

Sec. 3079. Union Lake, Missouri.

This section directs the Secretary to offer to convey to the State of Missouri two tracts of land that were originally purchased for the Union Lake Project, which was deauthorized in the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

Sec. 3080. Lower Yellowstone Project, Montana.

The section authorizes the Secretary to use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana.

Sec. 3081. Yellowstone River and tributaries, Montana and North Dakota.

This section authorizes the Secretary to carry out restoration projects in the watershed of the Yellowstone River and tributaries in Montana and North Dakota. This section authorizes Federal appropriations up to \$30,000,000.

Sec. 3082. Western Sarpy and Clear Creek, Nebraska.

Sec. 3083. Lower Truckee River, McCarran River, Nevada.

This section authorizes the Secretary to construct a modification for environmental restoration on the Truckee River at McCarran Ranch, Nevada, with the Federal share of the cost in excess of the statutory \$5,000,000 limit established under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a). The total project cost is \$7,500,000, with an estimated Federal cost of \$5,775,000 and an estimated non-Federal cost of \$1,725,000.

Sec. 3084. Cooperative agreements, New Mexico.

Sec. 3085. Middle Rio Grande restoration, New Mexico.

This section authorizes the Secretary to carry out restoration projects in the Middle Rio Grande. The cost of projects carried out under this authority will be cost-shared at a non-Federal share of 35 percent and shall include provision of necessary land, easements, relocations, and disposal sites. The non-Federal sponsor may be a nonprofit entity. The program is authorized for an appropriation of \$25,000,000.

Sec. 3086. Long Island Sound Oyster Restoration, New York and Connecticut.

This section authorizes the Secretary to plan, design, and construct projects to increase aquatic habitats within Long Island Sound, New York and Connecticut, and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat. There is authorized to be appropriated \$25,000,000.

Sec. 3087. Mamaroneck and Sheldrake Rivers, New York.

Sec. 3088. Orchard Beach, Bronx, New York.

This section amends section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) to increase the maximum Federal cost of the project from \$5,200,000 to \$18,200,000.

Sec. 3089. New York Harbor, New York, New York.

This section amends section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) which authorized the Secretary to enter into cost-sharing agreements related to a dredged material processing, treatment, decontamination, or disposal facility. When appropriate, the Secretary may combine portions of separate Federal projects if the facility is used to manage dredged material from multiple Federal projects in the same geographic area.

Sec. 3090. New York State Canal System.

Sec. 3091. Susquehanna River, and Upper Delaware River Watershed Management, New York.

Sec. 3092. Missouri River restoration, North Dakota.

This section extends the authorization for appropriations by striking “\$5,000,000” and all that follows through “2005” and inserting “\$25,000,000.”

Sec. 3093. Ohio.

Sec. 3094. Lower Girard Lake Dam, Girard, Ohio.

The section increases the authorization from \$2,500,000 to \$16,000,000 for repair and rehabilitation of the Lower Girard Lake Dam, which may include lowering the crest of the Dam by not more than 12.5 feet.

Sec. 3095. Toussaint River navigation project, Carroll Township, Ohio.

This section authorizes full Federal funding for all the costs associated with increased operation and maintenance activities that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance at the Toussaint River Navigation Project.

Sec. 3096. Arcadia Lake, Oklahoma.

This section eliminates the requirement to pay accrued interest costs for the water supply storage following the end of the 10-year interest-free period beginning on November 30, 1996 to September 1999.

Sec. 3097. Lake Eufaula, Oklahoma.

This section requires the Secretary to maximize the storage capacity at Lake Eufaula to ensure that the full value of the reservoir is realized by the United States. To assist the Secretary, there is established a Lake Eufaula Advisory Committee.

Sec. 3098. Release of Reversionary Interest, Oklahoma.

This section extinguishes each reversionary interest and use restriction related to recreation and public parks on the land conveyed by the Secretary to the State of Oklahoma pursuant to the Act entitled 'An Act to authorize the sale of certain lands to the State of Oklahoma' (67 Stat. 63, chapter 118).

Sec. 3099. Oklahoma Lakes Demonstration Program, Oklahoma.

This section directs the Secretary to implement within one year of enactment of this Act a program at the Corps of Engineers lakes in Oklahoma to demonstrate the benefits of enhanced

recreation facilities and activities at those lakes. The Secretary is to report on the results of the program within two years of enactment of this Act.

Sec. 3100. Ottawa, County Oklahoma.

Sec. 3101. Red River Chloride Control, Oklahoma and Texas.

Sec. 3102. Waurika Lake, Oklahoma.

This section directs the Secretary to use the costs for construction of the water conveyance facilities for the projects as in existence in June 1986. Any costs identified by the Army Corps of Engineers after June 1986 are considered a Federal cost.

Sec. 3103. Lookout Point Project, Lowell, Oregon.

This section directs the Secretary to offer to convey to the Lowell School District No. 71, Oregon one tract of land totaling approximately 0.98 acres located in Lane County, Oregon for use as a fire station.

Sec. 3104. Upper Willamette River Watershed ecosystem restoration.

This section directs the Secretary to conduct studies and ecosystem restoration projects for the Upper Willamette Watershed, which includes the planning, design, and construction of ecosystem restoration projects. There is authorized to be appropriated \$15,000,000.

Sec. 3105. Upper Susquehanna River Basin, Pennsylvania and New York.

This section amends the project for ecosystem restoration, Upper Susquehanna River Basin, Pennsylvania and New York, authorized by section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787), to expand the definition of potential non-Federal sponsors; to authorize the Secretary to provide assistance for implementing wetland restoration projects and soil conservation measures; and define an implementation strategy.

Sec. 3106. Narragansett Bay, Rhode Island.

This section authorizes the Secretary to use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, for the removal of abandoned marine camels in Narragansett Bay, Rhode Island.

Sec. 3107. South Carolina Department of Commerce development proposal at Richard B. Russell Lake, South Carolina.

This section directs the Secretary to convey to the State of South Carolina a portion of those lands described in Army Lease No. DACW21-1-92-500 (Abbeville, Hester Marina and Manor Recreation Areas) currently under lease to the South Carolina Department of Commerce (SCDOC) for 99 years for cost-shared recreation development pursuant to P.L. 89-72.

Sec. 3108. Missouri River restoration, South Dakota.

This section extends the authorization for appropriations through 2010.

Sec. 3109. Missouri and Middle Mississippi Rivers enhancement project.

This section extends the authorization of appropriations through fiscal year 2015.

Sec. 3110. Nonconnah Weir, Memphis, Tennessee.

This section authorizes the reconstruction, repair and maintenance of the weir originally constructed in the vicinity of the mouth of Nonconnah Creek. The estimated cost of reconstruction of the weir is \$2,500,000.

Sec. 3111. Old Hickory Lock and Dam, Cumberland River, Tennessee.

This section extinguishes the reversionary interests and use restrictions relating to recreation and camping purposes with respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as 'Easter Seals Tennessee') at Old Hickory Lock and Dam, Cumberland River, Tennessee.

Sec. 3112. Sandy Creek, Jackson County, Tennessee.

This section authorizes the Secretary to carry out a project for flood damage reduction at Sandy Creek, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

Sec. 3113. Cedar Bayou, Texas.

This section modifies the project, authorized by section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632), to authorize construction of a navigation channel that is 10 feet by 100 feet instead of 12 feet by 125 feet.

Sec. 3114. Denison, Texas.

This section authorizes the Secretary to offer to convey at fair market value to the city of Denison, Texas, all right, title, and interest of the United States in and to approximately 900 acres of land located in Grayson County, Texas.

Sec. 3115. Central City, Fort Worth, Texas.

Sec. 3116. Freeport Harbor, Texas.

This section clarifies that all costs associated as a result of the discovery of the sunken vessel Comstock of the Corps of Engineers are a Federal responsibility and directs the Corps not to seek these costs or any costs associated with a delay from the local sponsor.

Sec. 3117. Harris County, Texas.

This section modifies section 575(b) of WRDA 1996 to require the Secretary to not consider flood control works constructed by non-Federal interests within the drainage area in the determination of conditions existing prior to construction of the Upper White Oak Bayou, Texas project authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).

Sec. 3118. Connecticut River Restoration, Vermont.

This section permits a nonprofit entity to act as the non-Federal sponsor for the purposes of carrying out the activities described in the agreement executed between the Nature Conservancy and the Department of the Army on August 5, 2005.

Sec. 3119. Dam remediation, Vermont.

This section adds ecosystem restoration, protection, and preservation as a purpose of the dam remediation authority and identifies nine additional dams to be evaluated under the program.

Sec. 3120. Lake Champlain Eurasian milfoil, water chestnut, and other nonnative plant control, Vermont.

This section directs the Secretary to revise the existing General Design Memorandum prepared under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) to permit the use of chemical means of control of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

Sec. 3121. Upper Connecticut River Basin wetland restoration, Vermont and New Hampshire.

This section authorizes the Secretary to conduct a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and non-structural measures in the Upper Connecticut River basin to reduce flood damage, improve water quality, and create wildlife habitat. There is authorized to carry out the section \$5,000,000.

Sec. 3122. Upper Connecticut River Basin ecosystem restoration, Vermont and New Hampshire.

This section directs the Secretary, to conduct a study and develop a strategy for ecosystem restoration of the Upper Connecticut River ecosystem. There is authorized to carry out the section \$20,000,000.

Sec. 3123. Lake Champlain Watershed, Vermont and New York.

This section amends section 542 of the Water Resources Development Act of 2000 (42 Stat. 2671) to identify additional activities that may be considered critical restoration projects. This section increases the authorization for the section from \$20,000,000 to \$32,000,000.

Sec. 3124. Chesapeake Bay oyster restoration, Virginia and Maryland.

This section amends section 704(b) of the Water Resources Development Act of 1968 (33 U.S.C. 22263(b)) to increase the authorized appropriation limit for the program from \$20,000,000 to \$30,000,000. The provision also modifies the allowable activities to be conducted in the Chesapeake Bay, expands the purposes for which restoration activities may be undertaken, and defines successful restoration activities.

Sec. 3125. James River, Virginia.

Sec. 3126. Tangier Island Seawall, Virginia.

This section amends section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) to increase the total project cost from \$1,200,000 to \$3,000,000, with a Federal cost of \$2,400,000 and a non-Federal cost of \$600,000.

Sec. 3127. Erosion control, Puget Island, Wahkiakum County, Washington.

This section modifies section 204 of the Flood Control Act of 1950 (64 Stat. 178) for a one-time placement of dredge material from the Columbia River channel onto the shoreline of Puget Island, Washington, for temporary protection from erosion of economic and environmental resources. This section authorizes appropriations of \$1,000,000 at Federal expense and instructs the Secretary to perform appropriate agency coordination and ensure environmental compliance.

Sec. 3128. Lower granite pool, Washington.

This section extinguishes specified reversionary interests and use restrictions. This section also specifies the deeds involved and includes a savings clause regarding other remaining rights and interests of the Army Corps of Engineers for authorized project purposes.

Sec. 3129. McNary Lock and Dam, McNary National Wildlife Refuge, Washington and Idaho.

This section directs the transfer of administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the Fish and Wildlife Service under Cooperative Agreement Number DACW68-4-00-13 from the Army Corps of Engineers to the Fish and Wildlife Service.

Sec. 3130. Snake River project, Washington and Idaho.

This section modifies the project for the Snake River Project, Washington and Idaho, authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), to amend the Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho. This section authorizes the Secretary to conduct studies and implement aquatic and riparian ecosystem restoration and improvements specifically for fisheries and wildlife.

Sec. 3131. Whatcom Creek Waterway, Bellingham, Washington.

This section provides that the portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the River and Harbor Act of 1958, shall not be authorized as of the date of enactment of this Act.

Sec. 3132. Lower Mud River, Milton, West Virginia.

This section authorizes the modification of the project for flood damage reduction, Lower Mud River, Milton, West Virginia, as recommended in a draft report of the Corps of Engineers at an estimated total cost of \$57,100,000, with an estimated Federal cost of \$42,825,000 and an estimated non-Federal cost of \$14,275,000.

Sec. 3133. McDowell County, West Virginia.

The section modifies the non-structural component of the Levisa and Tug Fork of the Big Sandy and Cumberland Rivers project to direct the Secretary to take measures to provide protection from the recurrence of the greater of the April 1977 flood; July 2001 flood; May 2002 flood; or the 100-year frequency event.

Sec. 3134. Green Bay Harbor Project, Green Bay, Wisconsin.

This section modifies the existing limits of the authorized navigation channel of the Green Bay Harbor Project.

Sec. 3135. Manitowok Harbor, Wisconsin.

Sec. 3136. Oconto Harbor, Wisconsin.

This section provides that a portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the River and Harbor Act of 1910 is no longer authorized.

Sec. 3137. Mississippi River headwaters reservoirs.

This section allows the Secretary to operate headwaters reservoirs below the minimum or above the maximum water levels established in 1988 as modified by this section in accordance with a manual developed by the Secretary after consultation with the Governor of Minnesota and affected tribal governments.

Sec. 3138. Lower Mississippi River Museum and Riverfront Interpretive Site.

This section amends section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) to allow the purchase of property that is not limited to property being held by the Resolution Trust Corporation.

Sec. 3139. Upper Mississippi River system environmental management program.

This section modifies the existing authorization to allow that for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

Sec. 3140. Upper Basin of Missouri River.

This section permits funds made available for recovery or mitigation activities in the lower basin of the Missouri River to be used in the upper basin of the Missouri River.

Sec. 3141. Great Lakes fishery and ecosystem restoration program.

This section amends the Great Lakes Fishery and Ecosystem Restoration Program established in section 506(c) of the Water Resources Development Act of 2000 by directing the Corps to carry out a reconnaissance study at federal expense before beginning a project for restoring fisheries, ecosystems, and beneficial uses of the Great Lakes. The Secretary shall then make a determination as to whether the planning should proceed. Any reconnaissance study carried out under this section shall be at Federal expense.

Sec. 3142. Great Lakes remedial action plans and sediment remediation.

This section amends section 401(c) of the Water Resources Development Act of 1990 to extend the authorization of the program from 2006 through 2011.

Sec. 3143. Great Lakes tributary models.

This section amends section 506(g)(2) of the Water Resources Development Act of 1996 by extending the authorization of the program from 2006 through 2011.

Sec. 3144. Upper Ohio River and Tributaries Navigation System new technology pilot program.

This section establishes a pilot program to evaluate new technologies for the Upper Ohio River and Tributaries Navigation System. The authorized appropriation for this program is \$3,100,000.

TITLE IV – STUDIES

Note: the following section-by-section reflects the sections as contained in the proposed substitute; it does not contain section descriptions unavailable at press time.

Sec. 4001. Seward Breakwater, Alaska

Sec. 4002. Nome Harbor improvements, Alaska

Sec. 4003. McClellan-Kerr Arkansas River Navigation Channel.

The Secretary, in conjunction with Oklahoma State University, is directed to convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the

available scientific information regarding the genetic variation of various sturgeon species and possible hybrids.

Sec. 4004. Fruitvale Avenue Railroad Bridge, Alameda, California

Sec. 4005. Los Angeles River Revitalization Study, California

This section authorizes the Secretary to prepare a feasibility study for environmental restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals in the Master Plan published by the city of Los Angeles. The Secretary is authorized to construct demonstration projects in order to provide information to develop the study. The Federal share of the cost of any demonstration project shall be not more than 65 percent. The authorized appropriation for the demonstration program is \$25,000,000.

Sec. 4006. Nicholas Canyon, Los Angeles, California.

This section authorizes the Secretary to conduct a study to determine the feasibility of bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under the authority of section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

Sec. 4007. Oceanside, California, shoreline special study.

This section amends section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) to increase by 12 months an extension for completing the Oceanside, California Shoreline Special Study by striking '32 months' and inserting '44 months'.

Sec. 4008. Comprehensive flood protection project, St. Helena, California.

This section authorizes the Secretary to review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with the Enhanced Minimum Plan A, as described in the Final Environmental Impact Report prepared by the city of St. Helena, California. Cost sharing for the project shall in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

Sec. 4009. San Francisco Bay, Sacramento-San Joaquin Delta, Sherman Island, California.

This section authorizes the Secretary to conduct a study to determine the feasibility of using a portion of Sherman Island, California, as a dredged material rehandling facility.

Sec. 4010. South San Francisco Bay shoreline study, California.

This section authorizes the Secretary, in carrying out the feasibility phase of the South San Francisco Bay shoreline study, to use planning and design documents prepared by local interests, in cooperation with the Army Corps of Engineers (who shall provide technical assistance), as the basis for recommendations to Congress for authorization of a project to provide for flood protection of the South San Francisco Bay shoreline and restoration of the South San Francisco Bay salt ponds.

Sec. 4011. San Pablo Bay Watershed restoration, California.

This section directs the Secretary to submit to Congress a report describing the results of the San Pablo Bay watershed study not later than March 31, 2008.

Sec. 4012. Fountain Creek, North of Pueblo, Colorado.

This section directs the Secretary to expedite the completion of the Fountain Creek watershed study.

Sec. 4013. Selenium study, Colorado.

This section authorizes the Secretary, in consultation with State water quality and resource and conservation agencies, to conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado. The authorized appropriation for the study is \$5,000,000.

Sec. 4014. Delaware inland bays and tributaries and Atlantic Coast, Delaware.

Sec. 4015. Herbert Hoover Dike supplemental major rehabilitation report, Florida.

Sec. 4016. Boise River, Idaho.

Sec. 4017. Promontory Point third-party review, Chicago shoreline, Chicago, Illinois.

This section authorizes the Secretary to conduct a third-party review of the Promontory Point project at a cost not to exceed \$450,000.

Sec. 4018. Vidalia Port, Louisiana.

This section authorizes the Secretary to conduct a study to determine the feasibility of a project for navigation improvement at Vidalia, Louisiana.

Sec. 4019. Lake Erie at Luna Pier, Michigan.

This section authorizes the Secretary to conduct a study to determine the feasibility of carrying out a project for storm damage reduction, beach erosion protection, and other related measures along the shores of Lake Erie at Luna Pier, Michigan.

Sec. 4020. Wild Rice River, Minnesota

Sec. 4021. Asian Carp dispersal barrier demonstration project, Upper Mississippi River.

Sec. 4022. Flood damage reduction, Ohio.

Sec. 4023. Middle Bass Island State Park, Middle Bass Island, Ohio.

This section authorizes the Secretary to conduct a study to determine the feasibility of providing a safe harbor and shoreline protection at Middle Bass Island State Park.

Sec. 4024. Ohio River, Ohio

Sec. 4025. Toledo Harbor dredged material placement, Toledo, Ohio.

Sec. 4026. Toledo Harbor, Maumee River, and Lake Channel Project, Toledo, Ohio.

Sec. 4027. Woodsocket local protection project, Blackstone River Basin, Rhode Island.

Sec. 4028. Jasper County port facility study, South Carolina.

This section authorizes the Secretary to conduct a study to determine the feasibility of providing improvements to the Savannah River, Jasper County, South Carolina, for navigation and other purposes related necessary to support locating a container cargo and other port facilities near the entrance to the Savannah Harbor Entrance Channel.

Sec. 4029. Johnson Creek, Arlington, Texas.

This section authorizes the Secretary to conduct a study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the City of Arlington, Texas, as generally described in the report entitled "Johnson Creek: A Vision of Conservation, Arlington, Texas," dated March 2006.

Sec. 4030. Ecosystem and hydropower generation dams, Vermont.

Sec. 4031. Eurasian milfoil.

This section directs the Secretary to carry out a study, at Federal expense, to develop national protocols for the use of the *Euhrychiopsis lecontei* weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

Sec. 4032. Lake Champlain Canal study, Vermont and New York.

This section directs the Secretary to conduct a study, at Federal expense, to determine the feasibility of a dispersal barrier for control of invasive species at the Lake Champlain Canal, Vermont and New York, and, if such project is found to be feasible, directs the Secretary to construct, maintain, and operate such dispersal barrier as necessary.

Sec. 4033. Baker Bay and Ilwaco Harbor, Washington.

Sec. 4034. Elliot Bay seawall rehabilitation study, Washington.

Sec. 4035. Johnsonville Dam, Johnsonville, Wisconsin.

Sec. 4036. Debris removal.

TITLE V - MISCELLANEOUS PROVISIONS

Sec. 5001. Lakes program.

This section amends section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) to include additional sites in Illinois, North Carolina, North Dakota, and Vermont to the Lakes Program.

Sec. 5002. Estuary restoration.

This section expands the purposes of the restoration program by including the implementation of a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage; adding implementation to the strategy; and adding cooperative agreements to the Federal assistance purpose.

This section also adds regional interests to the estuary habitat restoration plans, allows monitoring costs to be included in the total cost of the estuary restoration project, and allows the Secretary to delegate the implementation of projects costing less than \$1,000,000 to other specified officials. It also gives directions to the Estuary Habitat Restoration Council.

Project funding for fiscal years 2007 through 2011 as follows: \$25,000,000 for the Secretary; \$2,500,000 for the Secretary of the Interior; \$2,500,000 for the Under Secretary for Oceans and Atmosphere of the Department of Commerce; \$2,500,000 for the Administrator of the Environmental Protection Agency; and \$2,500,000 for the Secretary of Agriculture. In addition, this subsection extends the monitoring authorization through 2011.

Sec. 5003. Environmental infrastructure.

This section amends section 219 of the Water Resources Development Act of 1992 and authorizes the Corps to render assistance to certain non-Federal entities for water-related environmental infrastructure, resource protection, and development projects. The entities are listed in the section.

Sec. 5004. Alaska.

This section amends section 570(h) of the Water Resources Development Act of 1999 by raising from \$25,000,000 to \$40,000,000 the total permitted to be authorized in that section. The section provides for a pilot program to provide environmental assistance to non-Federal interests in Alaska.

Sec. 5005. California.

This section authorizes the Secretary to establish a program to provide environmental assistance to non-Federal, publicly-owned entities in California. The Federal share of the funding for projects executed under the partnership agreements authorized in this section is 75 percent. Five million dollars is authorized to be appropriated to carry out this section.

Sec. 5006. Conveyance of Oakland Inner Harbor Tidal Canal property

This section provides for the conveyance of certain land in California to adjacent landowners, the City of Alameda, and the City of Oakland.

Sec. 5007. Stockton, California.

This section permits a non-Federal interest to reconstruct and relocate the flood control project at Calaveras River and Littlejohn Creek, California.

Sec. 5008. Rio Grande environmental management program, New Mexico.

This section authorizes the Secretary to implement a program for planning, design, construction, and evaluation of planning and implementation of measures for ecosystem restoration for the Rio Grande. The program is authorized for an annual appropriation of \$25,000,000.

Sec. 5009. Delmarva conservation corridor, Delaware and Maryland.

This section authorizes the Secretary to provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801; 116 Stat. 275).

Sec. 5010. Susquehanna, Delaware, and Potomac River Basins, Delaware, Maryland, Pennsylvania, and Virginia.

This section designates that the Division Engineer, North Atlantic Division, U.S. Army Corps of Engineers, shall serve as the ex-officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact. This section directs the Secretary to allocate funds to fulfill the equitable funding requirements of the applicable compacts. This section directs the Secretary to enter into an agreement to provide temporary water supply and conservation storage during drought emergencies.

Sec. 5011. Anacostia River, District of Columbia and Maryland.

This section authorizes the Secretary to develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the Anacostia River ecosystem.

Sec. 5012. Big Creek, Georgia, watershed management and restoration program.

This section authorizes the Secretary to plan, design, and construct water resource facilities to restore the watershed at Big Creek.

Sec. 5013. Metropolitan North Georgia Water Planning District.

This section directs the Secretary to establish a program to provide environmental assistance to non-Federal, publicly-owned entities in the Metropolitan North Georgia Water Planning District to offer design and construction assistance for water-related environmental projects.

Sec. 5014 Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming.

This section adds rural Utah and Wyoming to the list of non-Federal entities to which the Secretary may provide assistance for the design and construction of water-related environmental infrastructure projects contained in Section 595 of the Water Resources Development Act of 1999.

Sec. 5015. Chicago Sanitary and Ship Canal Dispersal Barriers project, Illinois.

This section directs the Secretary to upgrade and make permanent the existing dispersal barrier at Federal expense; to construct the dispersal barrier currently being implemented using section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) at Federal expense; and to operate and maintain the dispersal barriers described in subsections (a) and (b) at Federal expense.

Sec. 5016. Missouri River and Tributaries, mitigation, recovery and restoration, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

This section authorizes the Secretary to participate with state and tribal officials and nongovernmental stakeholders in a study of the Missouri River and its tributaries to determine what actions are required to mitigate loss of aquatic and terrestrial habitat, recover Federally-listed species under the Endangered Species Act, and restore the ecosystem.

Sec. 5017. Southeast Louisiana region, Louisiana.

This section authorizes the Secretary to establish programs with non-Federal entities in certain areas of Southeast Louisiana to provide design and construction assistance for water-related environmental infrastructure projects. The Federal cost share is 75 percent, and total authorized level is \$17,000,000.

Sec. 5018. Mississippi.

This amends Section 592(g) of the Water Resources Development Act of 1999 by raising the total permitted to be authorized from \$100,000,000 to \$110,000,000.

Sec. 5019. St. Mary Project, Blackfeet Reservation, Montana.

This section authorizes the Secretary to work collaboratively with the U.S. Bureau of Reclamation on the evaluation and execution of major repair and rehabilitation needs for the St. Mary Diversion and Conveyance Work.

Sec. 5020. Lower Platte River Watershed restoration, Nebraska.

This section authorizes the Secretary to participate in watershed-based efforts in the Lower Platte River basin, Nebraska.

Sec. 5021. North Carolina.

This section authorizes the Secretary to establish programs with non-Federal entities in North Carolina to provide design and construction assistance for water-related environmental infrastructure projects. The Federal cost share is 75 percent, and total authorized level is \$13,000,000.

Sec. 5022. Ohio River Basin environmental management.

This section authorizes the Secretary to provide design and construction assistance for water-related environmental improvement with the Ohio River Watershed Sanitation Commission. The total authorized level is \$2,500,000.

Sec. 5023. Statewide comprehensive water planning, Oklahoma.

This section directs the Secretary to provide technical assistance for the development of updates of the Oklahoma Comprehensive Water Plan. The Secretary is directed, if appropriated, to allocate \$6,500,000 for technical assistance, and the non-Federal share is 25 percent.

Sec. 5024. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and Terrestrial Wildlife Habitat Restoration, South Dakota.

This section directs the Secretary of the Treasury to make funds available to the State of South Dakota from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.

Sec. 5025. Texas.

This section directs the Secretary to establish a program to provide environmental assistance to non-Federal interests in Texas. The Federal cost share is 75 percent, and the total authorized level is \$40,000,000.

Sec. 5026. Connecticut River dams, Vermont.

This section authorizes the Secretary to evaluate, design, and construct structural modifications, at Federal expense, for the purpose of improving the environment, to the following Army Corps of Engineers-operated dams in Vermont: Townshend Lake, Ball Mountain Lake, North Springfield Lake, North Hartland Lake, and Union Village Lake. \$30,000,000 is authorized to carry out this section.

TITLE VI - PROJECT DEAUTHORIZATIONS

This title deauthorizes the following projects: *Sec. 6001. Little Cove Creek, Glencoe, Alabama; Sec. 6002. Goleta and vicinity, California; Sec. 6003. Bridgeport Harbor, Connecticut; Sec. 6004. Inland waterway from Delaware River to Chesapeake Bay, Part II, installation of fender protection for bridges, Delaware and Maryland; Sec. 6005. Shingle Creek Basin, Florida; Sec. 6006. Inland Waterway, South Fork of the South Branch of the Chicago River, Illinois; Sec. 6007. Brevoort, Indiana; Sec. 6008. Middle Wabash, Greenfield Bayou, Indiana; Sec. 6009. Lake George, Hobart, Indiana; Sec. 6010. Green Bay Levee and Drainage District No. 2, Iowa; Sec. 6011. Muscatine Harbor, Iowa; Sec. 6012. Big South Fork National River and Recreational Area, Kentucky and Tennessee; Sec. 6013. Eagle Creek Lake, Kentucky; Sec. 6014. Hazard, Kentucky; Sec. 6015. West Kentucky tributaries, Kentucky; Sec. 6016. Bayou Cocodrie and tributaries, Louisiana; Sec. 6017. Bayou LaFourche and LaFourche Jump, Louisiana; Sec. 6018. Eastern Rapides and South-Central Avoyelles Parishes, Louisiana; Sec. 6019. Fort Livingston, Grand Terre Island, Louisiana; Sec. 6020. Gulf Intracoastal Waterway, Lake Borgne and Chef Menteur, Louisiana; Sec. 6021. Red River Waterway, Shreveport, Louisiana To Daingerfield, Texas; Sec. 6022. Casco Bay, Portland, Maine; Sec. 6023. Northeast Harbor, Maine; Sec. 6024. Penobscot River, Bangor, Maine; Sec. 6025. Saint John River Basin, Maine; Sec. 6026. Tenants Harbor, Maine; Sec. 6027. Falmouth Harbor, Massachusetts; Sec. 6028. Island End River, Massachusetts; Sec. 6029. Mystic River, Massachusetts; Sec. 6030. Grand Haven Harbor, Michigan; Sec. 6031. Greenville Harbor, Mississippi; Sec. 6032. Platte River flood and related streambank erosion control, Nebraska; Sec. 6033. Epping, New Hampshire; Sec. 6034. New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey; Sec. 6035. Eisenhower and Snell Locks, New York; Sec. 6036. Olcott Harbor, Lake Ontario, New York; Sec. 6037. Outer Harbor, Buffalo, New York; Sec. 6038. Sugar Creek Basin, North Carolina and South Carolina; Sec. 6039. Cleveland Harbor 1958 Act, Ohio; Sec. 6040. Cleveland Harbor 1960 Act, Ohio; Sec. 6041. Cleveland Harbor, uncompleted portion of Cut #4, Ohio; Sec. 6042. Columbia River, Seafarers Memorial, Hammond, Oregon; Sec. 6043. Tioga-Hammond Lakes, Pennsylvania; Sec. 6044. Tamaqua, Pennsylvania; Sec. 6045. Narragansett Town Beach, Narragansett, Rhode Island; Sec. 6046. Quonset Point-Davisville, Rhode Island; Sec. 6047. Arroyo Colorado, Texas; Sec. 6048. Cypress Creek-Structural, Texas; Sec. 6049. East Fork Channel Improvement, Increment 2, east fork of the Trinity River, Texas; Sec. 6050. Falfurrias, Texas; Sec. 6051. Pecan Bayou Lake, Texas; Sec. 6052. Lake of the Pines, Texas; Sec. 6053. Tennessee Colony Lake, Texas; Sec. 6054. City Waterway, Tacoma, Washington; and Sec. 6055. Kanawha River, Charleston, West Virginia.*

Administration Position

At press time, a Statement of Administration Policy (SAP) for S. 1248 was not available. The SAP for H.R. 1495, issued on April 18, 2007 notes that “the Administration strongly opposes H.R. 1495 in its current form” because the bill increases costs to the federal government well above the House-passed version of the 109th Congress, authorizes projects outside of the Corps of Engineers’ core mission, and increases the Federal cost share for many projects.

Cost

According to CBO, the proposed substitute amendment would increase discretionary outlays by \$7.1 billion over the 2008-2012 period, and by an additional \$6.8 billion over the 10 years following 2012. CBO estimated that S. 1248 **as reported** would cost \$5.5 billion over the 2008-2012 period and an additional \$26 billion over the 10 years following 2012.

Possible Amendments

Note: At press time, no unanimous consent agreement was in place governing time or amendments.

As noted, a managers’ amendment (as described in this notice) is anticipated.

Additional amendments may address how the Army Corps of Engineers and Congress prioritize projects, whether projects impact global warming, the peer review process contained in Section 2007, the elimination of projects, and the Federal cost-share of certain projects.